IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

WP(C).No. 15313 of 2007(W)

OS.241/2003 of II ADDL.SUB COURT,THRISSUR

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PETITIONER:

BHASKARAN, S/O.MAKKU, AGED 59,
PONGANAMOOLA HOUSE, THEKKUMPADAM DESOM,
PANANCHERY VILLAGE, THRISSUR TALUK.

BY ADV. SRI.K.A.SREEJITH

RESPONDENTS:

GURU VIJAYA KURY COMPANY LIMITED,
THRISSUR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

WP(C)No. 15313 OF 2007 W

Dated this the 23rd May, 2007.

JUDGMENT

This writ petition is preferred against the order in E.P.662/2004 in O.S.241/2003 of the Subordinate Judges Court, Thrissur. Since the writ petitioner was not amenable for payment of the amount at the rate of Rs.10,000/- per month, his request for payment on instalment basis was declined by the Court below and the matter stands posted for proclamation and sale on 24.5.2007. Now the learned counsel for the writ petitioner, in fairness, submits that his client is prepared to pay at the rate of Rs.10,000/- per month. This is a matter that has to be taken into consideration by the Subordinate Judge, Thrissur. Therefore, the matter is remitted back to the Executing Court to pass appropriate orders after hearing the other side, in the light of the undertaking given above by the writ petitioner to make payment at the rate of Rs.10,000/- per month with usual default clause. The sale posted for tomorrow stands

deferred for a period of two months so as to enable the learned Subordinate Judge to pass appropriate orders.

Writ petition is disposed of.

M.N.KRISHNAN
Judge

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